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FSIS Docket Room, (Docket #01-030N)
U.S. Department of Agriculture, Food Safety and Inspection Service
Room 102, Cotton Annex
300 12th Street SW
Washington, D.C. 20250-3700

01-030N
01-030N-50
John Chapman

To Whom It May Concern:

In response to FSIS Docket #01-030N, this facility is not capable of fulfilling requirements of 9 CFR 441.10 in the time frame provided. The time frame provided is too short for the reasons listed below.

- 1) Time line provided was not sufficient since explicit details on requirements were not provided till after half the time frame has expired. Also the amount of experimentation on the first part of the rule will require at least 3 months to complete. At least one month of chiller setting manipulation is required to determine optimal settings for food safety and process capability. At least one month is required for the actual experimentation. At least one week is required to statistically analyze data. At least a month will be required to develop a process control program to assure that moisture level is not exceeded. After the first rule is completed, plant will proceed with rule 2. Measure retained moisture at packaging will require at least a year of experimentation to account for seasonal fluctuations in moisture retention. After the data collection, data will have to be analyzed to determine 95% confidence level. After moisture level is determined on chicken parts and bird sizes, then packaging (master case labels, insert labels, and film) must be changed. This change will require the using up large amount of old packaging and manufacturing new plates and packaging.
- 2) The plant does not perform Salmonella testing in the plant. All Salmonella samples must be sent to an outside lab, and the large amount of tests required would require at least 6 months at our Corporate Lab. The plant protocol requires an additional 50 E coli samples per day. This large increase will require an additional trained lab technician. It will require at least two months to obtain and train a lab technician. The plant laboratory is not equipped with a drying oven. Drying ovens would have to be purchased and lab technicians will have to be trained to determine dry matter determinations.
- 3) Yes, Packaging involves making new plates and then printing and delivering new labels to all plants. If all Tyson plants require new labels at the same time, then some plants will be behind other based on priority. This will cause numerous products not to be produced till labels approved, plates made, and labels printed.
- 4) By not postponing the rule would cause this facility to be shut down. Ultimately, it will cause a majority of the industry to shut down. This will cause a shortage in protein products and drive price up. It will also effect all other industries that are dependent or allied with the protein industry.
- 5) The postponement would have a minimal affect on the consumers. The consumer would still be able to make informed decisions on the product to purchase. There would be a sufficient choice of products in the marketplace. This industry has been functioning under the current requirements for some time and postponing the rule till accurate data and decisions can be made will have a beneficial affect on both industry and consumers.

This plants intends to comply with all regulatory requirements; it just needs the time to develop procedures, collect and analyze data, and develop new packaging as required.


Sincerely,
John Chapman
Plant Manager, Tyson Foods of Gadsden